Draft of May 15, 2013

TRIBAL GOVERNMENT OPERATIONS CODE

DRAANJIK GWICH'IN TRIBAL GOVERNMENT

Chalkyitsik, Alaska

Draft of May 15, 2013

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(note: the constitution states that the officers of the council are directly elected by the people, which causes issues with the election ordinance in this code which uses polling hours to elect council members rather than doing it in a meeting.)

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CHAPTER 1

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Section 1. Authority to Adopt Written Tribal Law

The Chalkyitsik Tribal Council adopts written tribal codes and ordinances under the inherent sovereignty of federally recognized Indian tribes of the United States, as delegated to the Chalkyitsik Tribal Council from the Tribe under Article 9 of the Constitution of the Draanjik Gwich'in Tribe. Unless otherwise stated specifically by ordinance, codes and ordinances may be adopted, amended, or repealed under the provisions of Chapter 2 of this Code.

Section 2. Relation of Written Tribal Law to Unwritten Tribal Laws

It is not the intention of Draanjik Gwich'in codes and ordinances to undermine or eliminate our traditional unwritten law that is part of our aboriginal culture and heritage. Unwritten traditional law has always been in place and codes do not displace the application of our unwritten custom law. We will continue to respect and implement the knowledge of our customs and values. Unwritten traditional law shall be the highest form of law for our Tribe.

Section 3. Purpose of the Chalkyitsik Code of Tribal Ordinances

The purpose of Tribal Codes is to protect and promote the health, safety, and welfare of the Draanjik Gwich'in tribal members and residents of the Village. The intention is to establish unity, promote and protect the traditional culture of the Tribe, and to provide an orderly framework to govern the activities within the jurisdiction of the Tribe. Our codes and ordinances are based on the customary and traditional values and laws of our people and includes ordinances as needed by the present population of the Tribe.

Section 4. Jurisdiction of the Tribe

The jurisdiction of the Draanjik Gwich'in Tribe shall extend over all inherent powers of a federally recognized tribe, including but not limited to governmental processes internal to the Tribe, and matters arising:

1. In the Chalkyitsik Tribe's Indian country, lands currently used by the Tribe, and lands and waters traditionally used by the Tribe; and/or

2. Over all tribal members within or outside Chalkyitsik's Indian country; and/or

3. Over all entities, and persons including non-tribal members and non-Natives, who entered into consensual relations with the Chalkyitsik Tribe or tribal members or whose activities affect the political integrity or economic security of the Tribe or the health or welfare of the Tribe or tribal members; and/or

4. Over any matters so implied or delegated by the federal or state government.

Section 6. Interpretation and Severability

A. **Liberal Interpretation:** Chalkyitsik codes and ordinances shall be liberally interpreted to give full effect to the purposes for which they were adopted.

B. **Civil in Nature:** Chalkyitsik codes and ordinances shall generally be interpreted as civil in nature and any violations shall not be interpreted as a criminal offense unless specifically provided by ordinance.

C. **Severability:** If any provision of these ordinances, or their application to any person or legal entity or circumstances, is held invalid, the remainder of the ordinances, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

D. **Unwritten Law:** The unwritten custom law of the Draanjik Gwich'in Tribe shall remain in place and shall not be infringed upon by this Code.

Section 7. Definitions

In all Chalkyitsik Codes and Ordinances, the following words and phrases shall have the following meanings unless otherwise specified:

"**Adult**" means a person who is eighteen (18) years of age or older.

"**Child**" **or** "**Minor**" means a person who is under eighteen (18) years of age.

"**Conflict of Interest**" Conflict of interest for Council members is defined in the Constitution of the Draanjik Gwich'in Tribe as the following: "No Council member shall vote on any matter, including but not limited to employment contracts, project funding, project allocations and appointments to tribal committees, in which he or she has a personal interest. A personal interest includes involvement of his or her spouse or significant other [including anyone with whom they have a romantic relationship with], parents and in-laws, siblings and sibling in-laws, children, or persons living in the same household." 'Personal interested shall mean any matter over which the person has which has a direct and significant interest. Council members present when an issue is that they have a conflict of interest is discussed and decided shall reveal such a conflict of interest, and shall

not vote on the matter. Conflict of interest for Tribal Court Judges shall be defined in the Chalkyitsik Judicial Code.

"**Council**" means the Chalkyitsik Tribal Council. "All its members" or "all council members" means all seven positions on the Council.

"**Majority Vote**" means that the outcome of an election in which the Tribal Council or tribal voters are asked to vote in favor or against something is determined by a vote of more than 50% of the total votes cast, unless a larger number is specifically required by the Chalkyitsik Constitution or by Ordinance.

"**May**" means that something is permitted. If this word is used it means that the action specified can be done but does not have to be done.

"**Personal Property**" means a person's personal property that can be seen, weighed, measured by the physical senses and is capable of being possessed or owned singly or in part and includes money, goods, and things such as promissory notes but not real estate.

"**Property**" means real estate property and personal property.

"**Real Property**" means real estate and any interest in land, easements, rights-of-way, leased buildings, permits, licenses and franchises.

"**Shall**" is mandatory. If this word is used, it means that the action must be done.

"**Tribal Member**" means any person who meets the eligibility requirements for membership in the Chalkyitsik Tribe as defined by the Chalkyitsik Tribal Constitution and as clarified by the Chalkyitsik Membership and Enrollment Ordinance. Tribal members 18 and over shall mean enrolled. Lineal descendants of tribal members who are under 18 years old shall be tribal members whether they are formally enrolled or not.

"**Violation**" means failing to comply with the rules of a regulated activity and involves conduct inappropriate to an orderly society, but is not a criminal offense and is not punishable by imprisonment. A person charged with a violation of this Code is not entitled to a trial by jury or a right to a public defender.

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Section 1. Purpose

The purpose of this Ordinance is to establish a uniform procedure for how tribal Codes and Ordinances are proposed, adopted, amended, and repealed. It is the intent of the Chalkyitsik Tribe that tribal codes shall interpret and clarify the Constitution to meet the current needs and values of the Tribe and that that tribal ordinances do not conflict with our traditional values and customs.

Section 2. Definitions

'Amend' means that wording is added, taken out, or changed within an existing ordinance.

'Ordinance' is a tribal law intended to establish written procedures and guidance for the Tribal Government, its members, and for those persons and entities that enter into consensual relations with the tribe or its members, or affect the health, safety and welfare, economic or political integrity of the Tribe or its members. It may be used interchangeably with the word 'Code.'

'Repeal' means that the whole ordinance or an entire section of an ordinance is removed.

"**Referendum**" means sending an issue to the tribal members to vote on.

Section 3. Procedure for the Council for Adopting, Amending, and Repealing Ordinances

A. **Proposals:** Proposals to adopt, amend, or repeal ordinances may be submitted to the Tribal Council or to the tribal administrator to forward to the Council, by a council member, by any member of the Tribe, or by any person the Council requests to do so, at any regular Council meeting.

B. **Notification:** After an ordinance proposal is made to the Council, the Council shall set a time for the proposal to be discussed and/or voted on. The Council shall make the proposal available to the tribal members and shall post notice of when and where the discussion about the proposal will take place. The notice shall be posted at least 1 week before the meeting in at least three public places in Chalkyitsik, and may otherwise be advertised.

C. **Opportunity to Speak:** All meetings in which ordinance proposals are discussed, and/or voted on, shall be open to the tribal membership. Tribal members shall have the opportunity to voice their opinions, ideas, and concerns about the proposal as directed by the Council Chairperson.

D. **Making Copies Available to Tribal Members:** Copies of a proposed ordinance, amendment, or proposal to repeal shall be made available to any tribal members upon request, prior to a meeting where they are discussed. Such copies shall be made available to all persons present at the tribal meeting where they are being discussed. If an ordinance is adopted or amended, the Council shall make copies available to tribal members.

E. **Adoption of Proposal:** The Chief or any council member may move to adopt an ordinance proposal. Ordinances shall be adopted, amended or

repealed by vote of the Tribal Council, and documented by signed certification. An affirmative vote of at least 5 Council members is necessary to adopt, amend or repeal ordinances.

Section 4. Referendum Vote:

Ordinances shall be put to a referendum vote of the tribal members if the Tribal Constitution or ordinances so specify. The Council has the option of calling a referendum vote on ordinance proposals even if it is not specifically called for, if supported by at least 5 Council members. Elections on referendum issues shall follow the guidelines for special tribal elections. An ordinance adopted, amended, or repealed by the tribal voters it shall remain in effect until changed by the tribal voters, or expires under its own terms.

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Section 1. Purpose of Ethic Standards

The Chalkyitsik Tribal Council Members, Tribal Court Judges, tribal employees and appointed representatives are the leadership of the Chalkyitsik Tribe and their actions are a reflection on the Chalkyitsik Tribal Government. The purpose of this Ordinance is to promote responsibility of the leadership and respect by the tribal members of their government. All tribal council members, judges, employees, and representatives shall follow the following guidelines outlined in this Ordinance. Persons who violate these guidelines may be subject to counseling by the Tribal Council or by a person as designated by the Council, repaying per diem and meeting fees or other reimbursement, and/or removal from office or termination of employment. Removal of Council members shall only be considered for habitual and/or the most serious situations, and then only be carried out according to the guidelines of the Chalkyitsik Constitution. Removal of Judges shall be considered under the guidelines of the Chalkyitsik Judicial Code in addition to the ethic standards set forth in this Ordinance. Tribal employees shall follow the guidelines set for the in the Chalkyitsik Tribal Personnel Policy and may be subject to termination for gross violation.

Section 2. Ethics Guidelines

A. Alcohol and Illegal Drug Use: Council members, Tribal Court Judges, all persons employed by the Tribe, or tribal representatives shall not attend any meetings, court sessions, workshops, or training sessions while carrying out the official duties of tribal office or otherwise representing the Chalkyitsik Tribe while under the influence of alcohol or illegal drugs.

B. Travel Guidelines: Whenever persons are traveling for the Tribe under any type of activity or business, they shall maintain high ethical behavior and conduct themselves in such a way that reflects positively on the Chalkyitsik Tribe. Persons on approved travel status shall attend all meetings or work sessions relating to the activity they are attending unless they are ill or circumstances exist beyond their control. These circumstances shall be immediately relayed to the Chief or to the Tribal Council Office.

1. **Trip Reports:** all persons traveling on per diem and representing Chalkyitsik shall make Trip reports. Trip reports shall be written, except that Elders who travel as representatives of the Tribe may orally present their trip reports at a Council meeting when minutes are being taken.

C. Confidentiality: Tribal officials shall not disclose or use confidential information acquired in the course of their official duties to significantly further their personal financial interest, to give a vendor or contractor an unfair advantage over other vendors or contractors, or in any personal or public social situation. Tribal Court Judges and the Tribal Court Clerk shall take an oath of confidentiality as described in the Chalkyitsik Judicial Code.

D. Bribes: Tribal officials shall not accept bribes for official action. Tribal officials may accept small non-monetary gifts or public awards for recognition of service.

E. Nepotism and Favoritism: Tribal officials shall not exert excessive influence or favoritism to pressure other tribal officials to alter decisions concerning employment or other benefits for their "immediate family members." "Immediate family members" include spouses, significant others, persons with whom they have a romantic relationship with, children, parents, grandparents, grandchildren, siblings, and anyone living in the same household.

Section 3. Violations of Ethic Standards

Complaints about violations of Ethic Standards may be brought to the Tribal Council for investigation, or be brought to the Chalkyitsik Tribal Court by Petition. Employees who violate these Standards may be subject to termination under the terms of the Chalkyitsik Tribal Personnel Policy and any other personnel policy and state of federal laws that may apply. Council members, tribal court judges, or representatives of the Chalkyitsik Tribe may lose their positions for violation of these standards under the procedures outlined in the Chalkyitsik Constitution and tribal ordinances.

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Section 1. General Guidelines for Chalkyitsik Tribal Elections

A. **Secret Ballots:** All tribal elections shall be conducted by secret balloting.

B. **Preparing Ballots:** Ballots shall be prepared as directed by the Chalkyitsik Tribal Council.

C. **Notice of Elections:** Notice of tribal elections shall be posted in at least three public places in Chalkyitsik. Notice shall be posted at least two weeks prior to elections unless otherwise specified by the tribal constitution or by tribal ordinance.

D. **Outcome of Elections:** For elections for tribal council members, the results shall be determined by those who receive the highest number of votes. The outcome of other elections shall be determined by a simple majority (greater than 50%) of eligible voters casting their votes during the election unless otherwise provided by the Chalkyitsik Constitution or by ordinance.

E. **Election Formats:** Elections shall take place during polling hours to be set by the Chalkyitsik Tribal Council.

F. **Tie Votes:** In the event of a tie vote, the Council shall call a special election to break the tie under the provisions of Section 6 of this Ordinance.

G. **Ballot Box:** Cast ballots shall be kept in a locked ballot box until the votes are counted.

H. **Proxies:** Proxy voting shall not be permitted.

I. **Special Voting Arrangements for Elders and Sick Persons:** Ballots shall not be taken from the polling area, except that a designated Election

Committee Member may take ballots to Elders and sick persons who are not able to come to the polls on Election Day.

Section 2. Voter Qualifications and List of Voters

A. **Voter Qualifications:** The basic qualifications for tribal voters are listed in Article 8 of the Constitution of the Chalkyitsik Tribe: "Any enrolled tribal member eighteen (18) years of age or older, and who has resided in Chalkyitsik for a period of one year or more immediately prior to an election shall be qualified to vote."

B. **List of Qualified Voters:** The Tribal Council shall maintain a list of qualified voters, which shall be given to the Election Committee prior to elections.

Section 3. Election Committee

A. **Election Committee Members:** There shall be an election committee consisting of three adults appointed by the Council prior to each tribal election.

B. **Duties of Election Committee:** The duties of the Election Committee shall be to supervise, administer, and conduct all tribal elections. In the event of an election dispute the determination of the election committee shall be final. The Committee shall allow tribal members to review results of any tribal elections and shall certify and file election results in the Tribal Council Office.

C. **Conflict of interest:** For tribal elections involving the election of Tribal Council Members, no member of the Election Committee shall at the same time be a member of the Council, or be a candidate for a position on the Council.

D. **Determining who is Qualified to Vote:** The Election Committee shall determine that voters are qualified by comparing their names to the qualified voters list prepared by the Chalkyitsik Tribal Council and shall make sure that voters are only voting once.

E. **Monitoring polls:** At least two Election Committee members shall monitor the poll at all times.

F. **Present when ballots are counted:** For all elections, all three Election Committee members shall be present when ballots are counted.

G. **Unclear ballots:** If a ballot cast is not clearly marked, the election committee shall have the authority to discard such a ballot, or the portion of the ballot that is unclear. If a ballot is discarded, the Election Committee shall make a note regarding the ballot on the Certification of Election.

Section 4. Elections for Tribal Council Members

A. **Election by Polling Hours:** Elections of Tribal Council members shall be conducted through a polling process, which shall be monitored by at least 2 Election Committee members at any given time.

B. **Place, Time, and Date of Elections:** The Tribal Council shall determine the date, time, and place of the annual elections to be held in January.

D. **Notice for Elections for Tribal Council Members, Declaration of Candidacy, Qualifications:** Notice of elections for tribal council seats and solicitation of candidates shall be posted at least two weeks prior to elections, and posted in at least three public places in Chalkyitsik. The notice for tribal council elections shall state that persons who wish to seek a seat on the Council may contact the Chalkyitsik Tribal Office and sign a Declaration of Candidacy. The notice shall state the basic qualifications for being on the Council which under the Constitution are: "Enrolled tribal

members who are 18 years of age or older, who have resided in Chalkyitsik for at least 1 year immediately prior to a Council election, and who have had no felony convictions for at least 10 years immediately prior to an election, are eligible to hold a position on the Tribal Council." Declarations of Candidacy shall be taken up to 7 days prior to an election.

E. **Results of Election:** The results of elections for tribal council members shall be determined by the highest numbers of votes received. Candidates shall not run for individual seats, but highest vote receivers shall fill the number of seats open at the time of the election.

F. **Absentee Ballots:** All absentee ballots shall be in before the polls close to be considered valid.

G. **Write-in Candidates:** Ballots for tribal council elections shall have a space provided to write in candidates. The ballots shall state the basic qualifications for tribal office.

Section 5. Absentee Voting

Absentee ballots shall be made available to tribal voters 5 days prior to tribal elections. Voters may come to the tribal office and vote in person at the office. Ballots may not be mailed or taken from the office, except that a designated election committee member may take ballots to Elders and sick persons who are not be able to come to the polls on Election Day. Absentee ballots may not be cast after the polls have closed on Election Day. All absentee ballots received shall be kept in a locked ballot box until the ballots are counted.

Section 6. Procedures for Special Elections

A. **Special Elections:** The Council may call a special election by an affirmative vote of at least 5 Council members. The Council shall give at least a two-week notice of

special elections to Tribal voters. The notice shall be posted in at least three public places in Chalkyitsik and shall contain an explanation of what the election is about.

B. **Elections to Decide Tie Votes:** Special elections to determine the winner of a tie vote situation do not require approval of 5 Council members, but notice shall be posted at least two weeks prior to the run-off election.

C. **Absentee ballots for Special Elections:** Absentee ballots shall be made available at the Tribal Office 5 days prior to special elections. Tribal voters who will be absent on the Election Day may vote in person at the Tribal Office. A designated election committee member may take an absentee ballot to Elders or to persons who are sick and unable to come to the polls for a special election. All absentee ballots shall be in before the close of polling hours.

D. **Elections for Recalling Tribal Council Members or Tribal Initiatives:** Elections for recalling tribal council members, or on tribal initiatives, may be held in a tribal meeting format if the Council fails to call such an election after a proper recall or initiative petition has been received. At such a meeting, a quorum of 51% of the qualified tribal voters must be established and notice posted in at least 3 public places, 3 weeks prior to such a meeting. Absentee balloting shall not be used for meeting style recall and initiative elections.

Section 7. Recounts and Challenging Election Results

A. **Recounts:** A request to conduct a recount of an election may be made within 2 days after an election by any qualified voter. Such a recount shall be done with all three election committee members and the person requesting the recount present. The person requesting the recount shall pay for any costs associated with the recount.

B. **Challenging Election Results:** Tribal members may challenge election results if the terms of the Chalkyitsik Constitution or the Chalkyitsik Tribal Election

Ordinance are violated. Such challenge may be done through a petition and election process. A petition must be circulated and signed by at least 50 qualified tribal voters, and submitted to the Council no later than two weeks after the challenged election. The petition shall state the alleged violation of the Chalkyitsik Constitution or Tribal Election Ordinance. Once presented to the Council, the Council shall hold a new election following the procedures outlined in the Chalkyitsik Constitution and the Tribal Election Ordinance. If the Council fails to hold such an election within 30 days after receiving the petition, the tribal membership may meet to conduct a new election. Any tribal voter may post notice of such a meeting, which shall be posted for a minimum of 2 weeks. At such a meeting, at least 51% of the qualified tribal voters shall constitute a quorum.

CHAPTER 5

MEMBERSHIP AND ENROLLMENT

IN THE CHALKYITSIK TRIBE

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Section 1. General Provisions

This Ordinance is intended to govern the membership requirements and enrollment procedures of the Chalkyitsik Tribe. The basic requirements for tribal membership are outlined in Article 3 – Membership, of the Constitution of the Chalkyitsik Tribe. This Ordinance is intended to provide clarification and procedures to those basic requirements.

Section 2. Authority to Regulate Membership Issues

The Chalkyitsik Tribal Council shall have the authority to approve eligible applicants who are lineal descendants of base roll members in the Council's regular course of business, a majority vote of a quorum. By an affirmative vote of at least 5 council members, the Council may adopt new Native people into the Tribe who are not lineal descendants of base roll members, provided that they meet the qualifications described in Section 3 (E) of this Ordinance. The Council shall also have the authority to disenroll members as described under the circumstances outlined in Section 4 (E) of this Ordinance, provided that an affirmative vote of at least 5 Council members shall be required to take such action. Appeals of the Council's decisions concerning tribal membership for lineal descendants or disenrolled members may be made according to the provisions of Section 6 of this Ordinance.

Section 3. Membership

A. **Basic membership requirements:** Article 3 of the Constitution of the Chalkyitsik Tribe outlines the basic membership requirements for the Chalkyitsik Tribe.

B. **Base Roll:** As stated in the Constitution of the Draanjik Gwich'in Tribe, Chalkyitsik, Alaska, shall be the ANCSA enrollment, prepared for the Chalkyitsik Native Corporation under the Alaska Native Claims Settlement Act of 1971.

C. **Lineal descendants of base roll members:** Lineal descendants of the base roll members shall automatically be eligible for enrollment in the

Chalkyitsik Tribe, provided that lineal descendants over 18 who are enrolled to another tribe must relinquish that membership in order to be eligible for enrollment in the Chalkyitsik Tribe.

D. **Children of tribal members:** Children of tribal members include both biological and adopted American Indian or Alaska Native children who are adopted under tribal or state law. Parents and guardians may not relinquish tribal eligibility or disenroll their minor children from the Chalkyitsik Tribe. Minor children shall either be formally enrolled into the Chalkyitsik Tribe or be members in the Chalkyitsik Tribe by virtue of their eligibility until they reach 18 regardless of whether or not the parents or guardians enroll them into another tribe. Children who have not been formally enrolled to the Chalkyitsik Tribe by their parent or guardian and wish to be formally enrolled, may apply upon reaching 18.

E. **Adoption of New Natives:** By an affirmative vote of at least 5 Chalkyitsik Tribal Council members, new Native persons with a minimum of one-eighth Alaska Native or American Indian blood, who are not lineal descendants of a base roll member may be adopted into the Chalkyitsik Tribe, provided that they physically live in Chalkyitsik for at least 2 years prior to applying. Adopting New Natives into the Tribe is at the sole discretion of the Council, and they may be disenrolled if they move out of the Village. Children of adults who are adopted into the Tribe are not automatically eligible for membership in the Chalkyitsik Tribe unless at least one parent is a lineal descendant of a base roll member.

F. **Relinquishment of Tribal Membership:** Adult tribal members may voluntarily give up their own membership in the Chalkyitsik Tribe. The Chalkyitsik Council shall provide forms for relinquishment. The form shall be completed, signed, notarized and submitted to the Chalkyitsik Tribal Council. Minors may not give up their membership in the Chalkyitsik Tribe. Parents or guardians may not relinquish membership for their minor children. Persons who have relinquished their membership, may reapply

for membership at a later date. Lineal descendants shall be enrolled upon such re-application.

Section 4. Enrollment

A. Dual Enrollment: Dual enrollment is not permitted for persons 18 years old and older. Dual enrollment is permitted for lineal descendants under 18 years old. Lineal descendants under the age of 18 shall be tribal members whether or not they are formally enrolled, and their tribal membership may not be relinquished for any reason.

B. Enrollment Procedures

1. **Application for enrollment:** Application forms shall be made available at the Chalkyitsik Tribal Council Office. Persons wishing to apply for enrollment in the Chalkyitsik Tribe shall submit an application to the Chalkyitsik Tribal Council. The Council shall mail applications upon request.

2. **Reviewing applications:** Applications shall be reviewed for accuracy and completeness by the Chalkyitsik Council, or by a designee of the Council. If an application is incomplete, the applicant shall be contacted for additional information or documentation for determining eligibility. It is the applicant's responsibility to provide evidence of eligibility in the Chalkyitsik Tribe. In general, acceptable documents demonstrating proof of eligibility include certified copies of birth certificates, baptismal records, paternity affidavits, adoption records, and affidavits from family members. The preferred documents for proof of eligibility are certified copies of birth certificates, however, other documents listed may be used depending on individual circumstances. Applications may be deferred when there is a question of eligibility and shall not be considered denied.

3. **Approval, disapproval, and deferring applications for lineal descendants of base roll members:** After applications have gone through the review process to determine eligibility, the Council may approve, disapprove, or defer applications for persons who claim to be lineal descendants of base roll members by majority vote of a quorum of the Council. This may be done in executive session of the Council. Persons who wish to appeal may do so under the procedure outlined in Section 6 of this Ordinance.

4. **Approval, disapproval, and deferring applications for New Natives who are not lineal descendants of base roll members:** The Tribal Council has the authority to approve, disapprove, or defer applications for Alaska Natives or American Indians who have at least 1/8 Alaska Native or American Indian blood, who are not lineal descendants of base roll members, provided that an affirmative vote of at least 5 Council members shall be required to approve New Natives. This may be done in an executive session of the Council. Persons who wish to appeal a decision made under this subsection may do so under the procedure outlined in Section 6 of this Ordinance.

5. **Notification of enrollment decisions:** The Council shall notify applicants within 60 days of council approval, disapproval, or deferral of their applications. Notification to applicants who are disapproved shall be made in writing through certified mail or presented in person and filing a "Statement of Service" form. Notice of disapproval shall include the reason why the applicant was disapproved and information about the appeals process.

C. Confidentiality of Enrollment Records

1. **Secured records:** All enrollment records are confidential and shall be kept in a secured area and only be accessed by the Chalkyitsik Tribal Council or by persons specifically authorized by the Council, except that a list of

members' names may be made available to tribal members or other parties upon approval by the Council.

2. **Special confidentiality arrangements:** Special confidentiality arrangements may be made for individual tribal members at their request and upon approval by at least 5 affirmative votes of the Chalkyitsik Tribal Council. Third parties used to verify records in these cases shall be specifically approved by the Council.

D. Current Tribal Membership Roll

1. **Information on the current tribal membership roll:** The following information about approved tribal members shall be recorded on the Chalkyitsik tribal membership roll: 1. Name in alphabetical order by last name first, followed by first name and middle name; 2. Gender; 3. Date of birth; 4. Resolution number of the resolution approving membership; 5. Date of enrollment; 6. Mailing address; 7. Native blood degree; and 8. Whether they are a lineal descendant of a base roll member, or adopted into the Tribe. Other information may be recorded in a remark column.

2. **Information changes:** Tribal members or their representatives shall be responsible for informing the Tribal Council of name, address, or other changes affecting the membership roll.

3. **Updating the current membership roll:** The Chalkyitsik Tribal Membership roll shall be kept updated by the tribal staff as designated by the Tribal Council.

E. Disenrollment: By affirmative vote of at least 5 Tribal Council members, the Council shall have the authority to remove persons from the tribal roll and revoke the privileges of membership under the following conditions:

a. **False information:** An applicant falsifies information on the enrollment application in order to be eligible for enrollment; or

b. **Permanently banished:** A member is permanently banished by the Chalkyitsik Tribal Court from Chalkyitsik because of danger to the safety of village residents; or

c. **Not Eligible:** A person is on the tribal roll but does not meet the minimum eligibility requirements established in the Chalkyitsik Tribal Constitution; or

d. **Dually Enrolled:** A person is 18 or older and is enrolled into another Tribe

e. **Permanently move:** New Natives who are adopted into the Chalkyitsik Tribe (not lineal descendants) may be disenrolled if they permanently move out of the Village.

f. **Appeals:** Appeals concerning disenrollment decisions may be made under the provisions of Section 6 of this Ordinance.

Section 5. Representatives of Minors, Disabled, and Mentally Incompetent Persons

Parents, legal guardians, or other adult tribal members as recognized by the Chalkyitsik Tribal Council may represent minor children, disabled, and mentally incompetent persons.

A. **Submitting enrollment applications and signing enrollment cards:** Parents or legal guardians may submit applications for those who cannot do so, or for their minor children and sign tribal enrollment cards on their behalf. Parents or legal guardians may not relinquish tribal enrollment or eligibility for membership in the Chalkyitsik Tribe on a child's behalf.

B. **No authority to relinquish membership:** Responsible adult tribal members as recognized by the Chalkyitsik Tribal Council may submit applications and sign tribal enrollment cards on behalf of disabled and mentally incompetent persons who are unable to do it for themselves, but may not relinquish their enrollment.

C. **Mailings and notifications:** All mailings, notifications and requests for appearances on behalf of applicants shall be directed to the representatives of minor children, disabled, and mentally incompetent persons.

Section 6. Appeals Process

Applicants who have been disapproved or members who have been disenrolled may appeal the decision by waiting for a 2-year period and reapplying for membership.

Section 7. Amendments to the Chalkyitsik Tribal Membership and Enrollment Ordinance

This Ordinance may be amended by affirmative vote of at least 5 Tribal Council members. Any amendments to membership qualifications shall affect future tribal membership only.

CHAPTER 6

COOPERATIVE AGREEMENTS

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Section 1. Intertribal Agreements

The Tribal Council shall have the power, not inconsistent with the Chalkyitsik Tribal Constitution and Ordinances, to enter into intertribal agreements for the benefit of the tribal members.

Section 2. State, Federal, and Private Party Agreements

The Tribal Council shall have the power not inconsistent with the Chalkyitsik Tribal Constitution and Ordinances, to enter into agreements with the State of Alaska or other states, with the United States Federal Government, or with private entities and parties for the benefit of the tribal members.

Section 3. Representation of Chalkyitsik by State and Federal Agencies or any Other Entities

All State and Federal agencies, and all other entities that represent the interests of the Chalkyitsik Tribe shall consult with and coordinate with the Chalkyitsik Tribal Council. No entity shall receive funding on behalf of the interests of the Chalkyitsik Tribe without the permission of the Chalkyitsik Tribal Council.

CERTIFICATE OF ADOPTION

This Chalkyitsik Tribal Government Operations Code was submitted to a vote of the Chalkyitsik Tribal Council at an open meeting in _____, and was duly adopted by a vote of ____ in favor of adoption and ___ against adoption, for which proper notice was provided, and tribal members had an opportunity to voice their opinions and concerns.

_____ Chief

_____ Second Chief

_____ Secretary/Treasurer

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member